

Notice of Allowability

Application No.

09/686,516

Examiner

Susanna M. Diaz

Applicant(s)

ARNETT ET AL.

Art Unit

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's amendment filed October 27, 2006.
2. ☒ The allowed claim(s) is/are 2,4,5,13,14,40,41,49,50 and 75-82.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 10/27/06;12/18/06
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Susanna M. Diaz
SUSANNA M. DIAZ
PRIMARY EXAMINER

Au 3694

ALLOWANCE

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 27, 2006 has been entered.

Claims 2, 4, 5, 13, 14, 40, 41, 49, and 50 have been amended.

Claims 2, 4, 5, 13, 14, 40, 41, 49, 50, and 75-82 are presented for examination.

Allowable Subject Matter

2. Claims 2, 4, 5, 13, 14, 40, 41, 49, 50, and 75-82 are allowed.

3. The following is an examiner's statement of reasons for allowance:

eWatch Inc.'s eWatch service ("eWatch"), as disclosed in eWatch's archived web site retrieved from [URL:

<http://web.archive.org/web/19980522190526/www.ewatch.com>] discloses a service that monitors messages posted on the Internet to identify both positive and negative sentiment toward a company/client as well as the effect of posted messages on external events.

eWatch does not expressly address the tracking of these messages based on user pseudonyms; however, eWatch Inc.'s CyberSleuth service ("CyberSleuth"), as disclosed in the web site [URL: <http://www.interesting-people.org/archives/interesting-people/200006/msg00090.html>], is another service offered by eWatch to help companies track down the real names of people using pseudonyms to post comments regarding these companies.

The Examiner also submits that the concept of identifying relevant content using a numerical scale is old and well-known in the art of database management, as seen in Fan (U.S. Patent No. 5,371,673), Wical (U.S. Patent No. 5,953,718), and Beattie et al. (U.S. Patent No. 5,659,742).

Hawks (US 2005/0049908) provides details of monitoring the roles of participants in a community, including the identification of opinion leaders. Herz (U.S. Patent No. 6,029,195) allows users to utilize a pseudonym that can be monitored by the service provider. Herz targets users with objects of interest, based on a score reflecting the relevance of the target object to the user's interests. The value of a user's comments and responses may also be predicted based on a product of the number and length of comments submitted in response to the user's postings; however, Herz does not expressly disclose that the tracking of the plurality of pseudonyms is used to process the market data in order to identify correlations or trends for future market events based on a community mood measurement and the community mood measurement is based on a number of new posting pseudonyms compared to a number of old posting pseudonyms for a specific topic.

Rosenschein discloses a web-based information retrieval system (similar to eWatch). Rosenschein utilizes sentence-level linguistic analysis in regard to specific keywords because such an analysis serves "to enable a grammatical and/or linguistic analysis of the designated work, and, preferably to sharply define the context of the designated word."

Trigaux discloses how user postings are tracked over time. More specifically, Trigaux discloses examples of lawsuits filed against online users posting multiple comments that are critical of a business and/or employer (¶¶ 19, 25, 33). The fact that multiple comments have been gathered in relation to a given pseudonym (or user) implies that the comments are collected over time or that each comment was posted at a distinct time since the user did not likely write various comments and then somehow program them to be posted at the same instant in time.

Similar to eWatch, Cohen's invention downloads messages (e.g., from web sites or news groups) and performs linguistics analysis to correlate certain keywords and synonyms thereof to a topic of interest; a score representative of the level of correlation is then generated (col. 2, lines 8-28, 45-47; col. 3, lines 1-45; col. 4, lines 5-14, 47-50; col. 6, line 67 through col. 7, line 12). Based on frequency statistics, a neural network, pattern recognition, an image processing, thesaurus, or another linguistics-based algorithm, a matching score is generated and evaluated to identify those messages deemed to be most relevant to the topic of interest (col. 8, lines 1-48; col. 9, lines 15-31).

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While each set of claims presents an aspect of the invention of differing scope, the permutation of limitations presented in each claim set is deemed to be a non-obvious combination of limitations. As seen in the discussion of the prior art above, the individual limitations recited in each set of claims are individually old and well-known; however, the Examiner submits that the combination of all of the respective limitations recited in each respective set of claims as a whole is non-obvious over the prior art. Therefore, claims 2, 4, 5, 13, 14, 40, 41, 49, 50, and 75-82 are deemed to be allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-6733. The examiner can normally be reached on Monday-Friday, 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Susanna M. Diaz
Primary Examiner
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January 7, 2007